

REMARKS

Claim 1 has been amended by incorporating subject matter of Claims 3 and 4, and further a new limitation for the waveform is added to the claim. Claim 8 has been amended by incorporating subject matter of Claims 9 and 10, and further a new limitation for the waveform is added to the claim. Claim 11 has been amended by incorporating subject matter of Claims 12 and 13, and further a new limitation for the waveform is added to the claim. Claims 3, 4, 9, 10, 12, and 13 have been canceled. Claims 5-7 has been amended by changing the dependencies. Support for the amendments is presented, for example, in Claims 3, 4, 9, 10, 12, and 13 as originally filed and in the specification. (page 12, lines 22-25) Thus, no new matter has been added. Applicants respectfully request the entry of amendments and reconsideration of the present application in view of the amendments and remarks set forth below.

Claim Rejections – 35 U.S.C. § 103(a)

Claims 1-17 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Uber, III et al. (US 5,840,026) Applicants respectfully submits that pending Claims 1-17 are allowable over the cited reference as discussed below.

Claim 1 recites, among other things, specific injection “...pattern is comprised of a **linear decrease of the injection rate of the contrast medium from the start of injection** to a set point of time, and **from said point of time a constant or a linear increase of the injection rate...**” Claims 8 and 11 recites similar limitation thereto. In the Office Action, the Examiner asserts “the specific pattern of the injection rate ...is considered optimization through routine experimentation of a result-effective variable”, and further asserts “**Where the general conditions of a claim are disclosed in the prior art**, it is not inventive to discover the optimum or workable ranges by routine experimentation”

However, the specific injection pattern is not merely optimization through routine experimentation. The claimed injector modifies a waveform of the variable pattern vertically with the injection time unchanged. Nothing in the prior art suggest that such a result could be obtained. Accordingly, the cited reference does not teach or suggest all of the features of each Claim 1, 8, and 11. Therefore, Applicants respectfully submits that Claims 1, 8, and 11 are allowable over the cited reference. The rest of the rejected claims depend from base Claim 1, 8,

or 11, and further defined additional technical features of the present invention. In view of the patentability of their base claims, and further view of the additional technical features, Applicants respectfully submits that the dependant claims are patentable over the cited reference.

CONCLUSION

In light of the Applicant's amendments to the claims and the foregoing Remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any remaining concerns which might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

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Filing Date: September 8, 2003

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

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